



## **HISTORIC LANDMARKS COMMISSION**

### **SYNOPSIS**

**December 2, 2015**

**Regular Session**

**6:30 p.m.**

**San Jose City Hall, Wing Room 120**

**200 East Santa Clara Street**

**San José, CA 95113**

### **Commission Members**

**Edward Saum, Chair**

**Joshua Marcotte, Vice Chair**

**Rachel Grothe**

**Patricia Jones**

**Anthony Raynsford**

**Max Schultz**

**Harry Freitas, Director**

**Department of Planning, Building & Code Enforcement**

### Note

To request an accommodation for City-sponsored meetings or events or an alternative format for printed materials, please call Carina Shattuck at 408-535-5695 or 408-294-9337 (TTY) as soon as possible, but at least three business days before any meeting or event. If you requested such an accommodation, please identify yourself to the technician seated at the staff table. If you did not call in advance and do now need assistance, please see the technician.

### NOTICE TO THE PUBLIC

If you want to address the Commission, **fill out a speaker card (located at the technician's station), and give the completed card to the technician. Please include the agenda item number for reference.**

#### **The procedure for public hearings is as follows:**

- After the staff report, *applicants may make a five-minute presentation.*
- Anyone wishing to speak in favor of the proposal should prepare to come forward. After the proponents speak, anyone wishing to speak in opposition should prepare to come forward. *Each speaker will have two minutes.*
- Commissioners may ask questions of the speakers. These questions will not reduce the speaker's time allowance.
- The Commission will then close the public hearing.
- *The Historic Landmarks Commission will take action on the item.*

#### **The procedure for referrals is as follows:**

- Anyone wishing to speak on a referral should prepare to come forward. *Each speaker will have two minutes.*
- Commissioners may ask questions of the speakers. These questions will not reduce the speaker's time allowance.
- *The Historic Landmarks Commission will comment on the referral item.*

**If a Commissioner would like a topic to be addressed under one of the Good and Welfare items, please contact Planning staff in advance of the Commission meeting.**

An agenda and a copy of all staff reports have been placed on the table for your convenience. All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Planning, Building and Code Enforcement at San José City Hall, 200 E. Santa Clara Street, 3<sup>rd</sup> Floor Tower, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body.

# **AGENDA**

## **ORDER OF BUSINESS**

### **ROLL CALL**

#### **1. DEFERRALS**

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Any item scheduled for hearing this evening for which deferral is being requested will be taken out of order to be heard first on the matter of deferral. If you want to change any of the deferral dates recommended or speak to the question of deferring these or any other items, you should say so at this time.

**No Items**

#### **2. CONSENT CALENDAR**

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**The consent calendar items are considered to be routine and will be adopted by one motion.** There will be no separate discussion of these items unless a request is made by a member of the Historic Landmarks Commission, staff or the public to have an item removed from the consent calendar and considered separately. If anyone in the audience wishes to speak on one of these items, please make your request at this time

**No Items**

#### **3. PUBLIC HEARINGS**

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- a. **H15-047.** Application for a Site Development Permit, to partially demolish the Herrold Laboratory Building, City Landmark No. 74, located at 465 S. 1st Street.

***PROJECT MANAGER, ELIZABETH SCHULLER***

**Recommendation:** Review the application for a Site Development Permit (File No. H15-047) that would result in the partial demolition of the Herrold Laboratory Building (City Landmark No. 74), and provide comments regarding the scope of the analysis that should be conducted in evaluating the application, consistent with the City Council Policy on the Preservation of Historic Landmarks to solicit public input on projects that may have an impact on historical resources.

**The Commission voted 6-0-0 to recommend that the analysis of the project include an analysis of previous façade modifications to the two historic structures, an alternatives analysis including options for retention of greater portions of the historic buildings, additional information on the history of Dr. Charles Herrold, more information on potential uses of the commercial spaces, and a study of the impact of the proposed building in relation to the context of the block.**

#### 4. REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS, OR OTHER AGENCIES

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- a. [Santana West Rezoning Notice of Preparation of Draft EIR](#) (File No. PDC14-068).  
*PROJECT MANAGER, JOHN TU*

**Recommendation:**

1. Discuss the Notice of Preparation (NOP) of a Draft Environmental Impact Report (EIR) for the Santana West Development project and the I-280/Winchester/Moorpark Transportation Development Policy.
2. Consider authorizing the Chair to submit the Commission's official comments to the Director of Planning, Building, and Code Enforcement regarding analysis that should be included in the cultural resources portion of the EIR.

**The Commission voted 6-0-0 to authorize the Chair to submit the Commission's official comments on the Notice of Preparation to the Director of Planning, Building and Code Enforcement to include analysis on potential uses of the Century 21 building and how the uses would impact the integrity of the building, analysis of pedestrian circulation and relationships to the Century 21 building and Winchester House, study of views and massing as it relates to the Century 21 building and Winchester House, and analysis of potential uses and programming of the Century 21 building.**

- b. [Update on Planning for Levitt Pavilion in St. James Park.](#)

**Recommendation:** Receive a verbal report from the Levitt Pavilion Steering Committee on its work to date regarding planning for a potential performance venue in St. James Park.

**The Commission received a report from Mr. Brian Grayson, a member of the Levitt Steering Committee, on the Committee's work to date on planning for the Pavilion in St. James Park.**

#### 5. OPEN FORUM

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- a. Members of the public are invited to speak on any item that does not appear on today's Agenda and that is within the subject matter jurisdiction of the Commission. The Commission cannot engage in any substantive discussion or take any formal action in response to the public comment. The Commission can only ask questions or respond to statements to the extent necessary to determine whether to (1) refer the matter to staff for follow-up; (2) request staff to report back on a matter at a subsequent meeting; or (3) direct staff to place the item on a future agenda. Each member of the public may fill out a speaker's card and has up to two minutes to address the Commission.

**A member of the public spoke in support of allowing legalized homeless encampments in the City, as it would reduce the risk of the homeless causing fires in vacant historic buildings.**

#### 6. GOOD AND WELFARE

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- a. Report from Secretary, Planning Commission, and City Council
1. Past Agenda Items
    - **The Historic Preservation Permit Adjustment (File No. HPAD15-549) for the panel displays commemorating the Donner Houghton House was approved by staff. The City**

**will not require the remnants of the Donner Houghton House to be displayed in the projects future retail space.**

- **The revisions to the Guidelines for Submitting a Historic Report are not yet complete, but will incorporate the Commissions comments. Work on the Ken Ying Low Restaurant City Landmark reconstruction continues and the applicant has hired a neon sign company to restore the historic blade sign.**

2. Future Agenda Items

**Staff plans to bring an update to the Historic Resources Inventory to the Commission for review at a future meeting.**

3. Summary of communications received by the Historic Landmarks Commission

**None other than the letter from the Preservation Action Council – San Jose that was attached to Item 3.a of the agenda.**

b. **Review of Certified Local Government Annual Report**

1. **Recommendation:** Accept the Certified Local Government Annual Report. The report summarizes the City's historic preservation activity between October 1, 2014 and September 30, 2015. The report will be submitted to the California Office of Historic Preservation.

**The Commission voted 6-0-0 to accept the report and directed staff to provide a copy of the report to the City Councilmembers with a cover letter from the Commission summarizing the City's historic preservation accomplishments and work that still needs to be done.**

c. Report from Committees

1. Design Review Subcommittee (Saum, Schultz and Jones)  
Meets the 3<sup>rd</sup> Wednesday of the month as necessary

**The Design Review Subcommittee did not meet in November.**

d. Approval of Synopsis

1. **Recommendation:** Approval of Synopsis for the Historic Landmarks Commission Meeting of [November 4, 2015](#)

**Synopsis Approved (6-0-0)**

e. Status of Circulating Environmental Documents: Negative Declarations  
<http://www.sanjoseca.gov/index.aspx?NID=2165> and Draft Environmental Impact Reports  
<http://www.sanjoseca.gov/index.aspx?NID=2434>

**Staff reported that there is an Initial Study circulating for demolition of a church constructed in 1965 located at the southeast corner of Capitol Expressway and Senter Road. A historic resource survey was completed for the church that determined that the building is not a historic resource. The building scored three points on the City of San Jose Historic Resource Tally.**

**ADJOURNMENT**

# **CITY OF SAN JOSÉ CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS**

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, Redevelopment Agency Board, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

## **1. Public Meeting Decorum:**

- a) Persons in the audience will refrain from behavior which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
- b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
- e) Persons in the audience will not place their feet on the seats in front of them.
- f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.
- g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

## **2. Signs, Objects or Symbolic Material:**

- a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions:
  - No objects will be larger than 2 feet by 3 feet.
  - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
  - The items cannot create a building maintenance problem or a fire or safety hazard.
- b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
- c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.

## **CITY OF SAN JOSÉ CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS (CONT'D)**

3. Addressing the Council, Redevelopment Agency Board, Committee, Board or Commission:
- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
  - b) Meeting attendees are usually given two (2) minutes to speak on any agenda item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak.
  - c) Speakers should discuss topics related to City business on the agenda, unless they are speaking during open forum.
  - d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners or Staff in conversation will not be honored. Abusive language is inappropriate.
  - e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
  - f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
  - g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

Failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.